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Rabin Says U.S. Reneged in Pollard Case

Israeli Counters Criticism of Promotion of Spy's Recruiter

By Glenn Frankel

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JERUSALEM, March 16—Defense Minister Yitzhak Rabin today accused the U.S. Justice Department of reneging on its agreement with Israel in the Jonathan Jay Pollard spy case by refusing to grant prosecutorial immunity to the Israeli Air Force colonel who allegedly recruited the U.S. Navy intelligence analyst to spy for Israel.

Rabin's accusation was this government's first public counterattack against U.S. officials who have contended that Israel violated its pledge to "call to account" those who participated in the Pollard operation when it promoted Col. Aviem Sella to command the country's second largest air base late last month, a few days before he was indicted for espionage in the United States.

Meanwhile, government sources said tonight that Israel has paid about \$80,000 to a Washington lawyer to help cover legal expenses for Pollard and his wife. The report—first broadcast by Israeli radio—was denied by the lawyer. The reported payments, the sources indicated, are in response to mounting public pressure here to aid the Pollards, but cannot be openly acknowledged because of U.S. sensitivity to any indication Pollard was operating with official sanction.

When Pollard was arrested in November 1985, Israeli officials contended he was part of an unauthorized "rogue" spy operation and promised full cooperation with U.S. prosecutors. Israel agreed to allow U.S. investigators to question those involved in return for immunity.

The questioning took place here in December 1985 but none of those interrogated mentioned Sella, whose name apparently was disclosed by Pollard and his wife when they agreed to plead guilty last June. Pollard was sentenced two weeks ago to a life term and his wife to two concurrent five-year terms on lesser charges.

Today Rabin said that once the name of Sella had been disclosed, the colonel offered to answer U.S. questions. "The people who dealt with this issue, the investigators and prosecutors, refused to give him what was agreed basically between our two governments," Rabin told a conference of the Hadassah international Jewish women's organization.

He said one possible reason Sella's offer was refused was because the prosecutors believed Israel had other spies in the United States and wanted to press Israel and Sella into revealing them. He cited an interview in Sunday's Washington Post in which U.S. Attorney Joseph DiGenova raised the possibility of other Israeli spies.

Rabin has been under fire from the United States because he approved Sella's promotion just days before the indictment and he argued today that the promotion was not the real reason for the anger.

"A key figure in the prosecution of Pollard said to two of our lawyers separately, 'From my point of view, Sella can be the chief of the Israeli Air Force if you give me another name or names,'" Rabin said. "Allow me to make it clear," he added. "Israel does not carry on espionage activities in the United States. There are no Americans or non-Americans who serve as spies for Israel against the United States."

Rabin also charged that the prosecutors reneged because they had already achieved their aim of forcing Pollard to confess by using information from other Israelis who were questioned and thus did not need Sella's help, and because, he said, "there are certain people who would like to create tension" between Israel and the United States.

U.S. prosecutors have contended that Israel sought to cover up Sella's role and they are moving to withdraw immunity granted three other Israelis involved in the case because they failed to disclose his involvement.

Justice Department officials have also said that they tried without success for months to negotiate an agreement to interview Sella. The

negotiations were ultimately fruitless because Sella repeatedly insisted on immunity from prosecution before he would agree to discuss his role, the officials have said. Prosecutors finally decided to seek his indictment only after they could not reach agreement on questioning him, the officials said.

But Rabin contended today that the U.S. investigators who came here had neglected to follow up on Israeli hints. "They gave us a list," he said. "They were allowed to question anyone they put on that list To make it clear, they were told that there was another Israeli who didn't play a major role. They didn't ask to question him."

According to the indictment, Sella, a highly decorated war hero, recruited Pollard to spy for Israel in 1984, established the system by which Pollard provided requested documents, and arranged payments.

Rabin cited the arrival here today of U.S. Army Secretary John Marsh, on a six-day official visit, as proof that "there is a solid basis of understanding and sympathy between our two countries . . . [and] a growing strategic cooperation" despite the Pollard affair.

Israeli radio said \$80,000 had been sent to attorney James Hibey through "indirect channels." It did not elaborate. A private citizens' group that has raised tens of thousands of dollars in pledges from Israelis said it would disband because of the official effort.

[In Washington, Hibey, attorney for Anne Henderson-Pollard, said that "no funds have been sent to my account either directly or indirectly from the government of Israel," and that "to the best of my knowledge" the Israeli government has not contributed any of the money that has been paid on the Pollards' legal bill. Hibey's brother Richard, a partner in a different Washington law firm, represents Jonathan Pollard.

[Richard Hibey could not be reached for comment.]

Morris Pollard, the convicted spy's father, told Israeli radio that he knew nothing about the payments of the legal fees.